

Hearing Date and Time: February 5, 2015 at 10:00 a.m.

Objection Deadline: December 15, 2014

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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

A & G GOLDMAN PARTNERSHIP and
PAMELA GOLDMAN,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. _____ (SMB)

**NOTICE OF APPLICATION FOR ENFORCEMENT OF
PERMANENT INJUNCTION AND AUTOMATIC STAY**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law dated November 17, 2014 filed by Irving H. Picard, as trustee (the “Trustee”) for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.*, and the estate of Bernard L. Madoff, individually; the Complaint,¹ dated November 17, 2014; the Declaration of Keith R. Murphy, dated November 17, 2014, and the exhibits thereto; the Affidavit of Vineet Sehgal, sworn to on November 13, 2014, and the exhibits thereto; together with the Memorandum of Law, dated November 17, 2014 filed in a related action (the “Picower Injunction Action”) commenced by the Picower Parties;² the Complaint, dated November 17, 2014 filed in the Picower Injunction Action; and the Declaration of Marcy Ressler Harris, dated November 17, 2014 filed in the Picower Injunction Action, and the exhibits thereto; and upon all prior pleadings and proceedings herein and in the Picower Injunction Action³; the undersigned counsel to the Trustee will move before the Honorable Stuart M. Bernstein on **February 5, 2015, at 10:00 a.m.** on the Trustee’s application (the “Application”) for an order enforcing the permanent injunction order entered by this Court on January 13, 2011 (the “Permanent Injunction”) and the automatic stay in these proceedings against Pamela Goldman and A&G Goldman Partnership

¹ Unless otherwise defined herein, defined terms have the meaning given to them in the Trustee’s Memorandum of Law in Support of Application for Enforcement of the Permanent Injunction and Automatic Stay, filed on November 17, 2014.

² The “Picower Parties” are: Capital Growth Company; Decisions, Inc.; Favorite Funds; JA Primary Limited Partnership; JA Special Limited Partnership; JAB Partnership; JEMW Partnership; JF Partnership; JFM Investment Companies; JLN Partnership; JMP Limited Partnership; Jeffry M. Picower Special Company; Jeffry M. Picower, P.C.; the Picower Foundation; the Picower Institute of Medical Research; the Trust F/B/O Gabrielle H. Picower; Barbara Picower, individually, and as executor of the estate of Jeffry M. Picower, and as Trustee for the Picower Foundation and for the Trust F/B/O Gabrielle H. Picower.

³ The Picower Parties are commencing the related Picower Injunction Action simultaneously with Trustee’s action and will be seeking to consolidate the Picower Injunction Action with the Trustee’s action.

(the “Goldman Plaintiffs”), and anyone acting on behalf of the Goldman Plaintiffs, with respect to their putative class action against the Picower Parties recently brought in the United States District Court for the Southern District of Florida (the “Class Action”), *Goldman v. Capital Growth Col, et al.*, No. 14-CV-81125 (S.D. Fla. filed Aug. 28, 2014) (KAM); directing that the Goldman Plaintiffs are precluded from proceeding with the Class Action; and declaring that the Class Action violates the Permanent Injunction and the automatic stay and therefore is void *ab initio*.

PLEASE TAKE FURTHER NOTICE that by stipulation between the Goldman Plaintiffs and the Picower Parties in the Class Action, ECF Nos. 4, 6, written objections to the Application must be filed with the Clerk of the United States Bankruptcy Court, One Bowling Green, New York, New York 10004 by no later than **December 15, 2014** (with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein) and must be served upon (a) Baker & Hostetler LLP, counsel for the Trustee, 45 Rockefeller Plaza, New York, New York 10111, Attn: David J. Sheehan, Esq.; (b) the Securities Investor Protection Corporation, 805 Fifteenth Street, NW, Suite 800, Washington, DC 20005, Attn: Kevin H. Bell, Esq.; and (c) Schulte Roth & Zabel LLP, counsel for the Picower Parties, 919 Third Avenue, New York, New York 10022, Attn: Marcy R. Harris, Esq. Any objections must specifically state the interest that the objecting party has in these proceedings and the specific basis of any objection to the Application.

PLEASE TAKE FURTHER NOTICE that replies to objections, if any, must be filed with the Clerk of the United States Bankruptcy Court, One Bowling Green, New York, New York 10004 by no later than **January 12, 2015** (with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein).

Dated: November 17, 2014
New York, New York

Respectfully submitted

/s/ David J. Sheehan,

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